

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2012-139607-001 DT

05/28/2014

HONORABLE JOSEPH KREAMER

CLERK OF THE COURT  
S. Yoder  
Deputy

STATE OF ARIZONA

KRISTIN SHERMAN

v.

JUSTIN OTIS MCMAHAN (001)

GARRETT W SIMPSON  
TERRY LYNN LOVETT BUBLIK

APO-PLEAS-CCC  
CAPITAL CASE MANAGER

PLEA AGREEMENT/CHANGE OF PLEA

9:16 a.m.

Courtroom SCT 5B

State's Attorney:	Kristin Sherman
Defendant's Attorney:	Garrett W. Simpson and Terry L. Bublik
Defendant:	Present

Court Reporter, Laura Ashbrook, is present.

A record of the proceeding is also made by audio and/or videotape.

The Court reviews the Plea Agreement with Defendant. The Court advises Defendant of the range of possible sentence and the availability of probation, and any special conditions of sentencing and probation. The Court advises Defendant of all pertinent constitutional rights and rights of review.

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Defendant enters a plea of Guilty to the following:

OFFENSE: Count 1: First Degree Murder

Class 1 Dangerous Felony

A.R.S. § 13-1101, 13-1105, 13-701, 13-702, 13-751, 13-752, and 13-801

Date of Offense: July 17, 2012

Dangerous pursuant to A.R.S. § 13-704 - Non Repetitive

OFFENSE: Count 2: Attempted Armed Robbery

Class 3 Dangerous Felony, with one prior dangerous felony conviction

A.R.S. § 13-1001, 13-1904, 13-1901, 13-1902, 13-701, 13-702, 13-704, and 13-801

Date of Offense: July 17, 2012

Dangerous pursuant to A.R.S. § 13-704 - Repetitive

OFFENSE: Count 3: Attempted Kidnapping

Class 3 Dangerous Felony, with one prior dangerous felony conviction

A.R.S. § 13-1001, 13-1304, 13-1301, 13-701, 13-702, 13-704, and 13-801

Date of Offense: July 17, 2012

Dangerous pursuant to A.R.S. § 13-704 - Repetitive

OFFENSE: Count 4: Burglary in the First Degree

Class 2 Dangerous Felony with one prior dangerous felony conviction

A.R.S. § 13-1501, 13-1507, 13-1508, 13-701, 13-702, 13-704, and 13-801

Date of Offense: July 17, 2012

Dangerous pursuant to A.R.S. § 13-704 - Repetitive

OFFENSE: Count 5: Misconduct Involving Weapons

Class 4 Felony, with two prior felony convictions

A.R.S. § 13-3101, 13-3102, 13-3105, 13-701, 13-702, 13-703, and 13-801

Date of Offense: July 17, 2012

Non Dangerous - Repetitive

Defendant acknowledges the existence of the following prior felony conviction(s):

Armed Robbery, a class 2 dangerous felony committed on May 9, 2001 and convicted on January 11, 2002 in Maricopa County Superior Court Cause No. CR2001-092551.

Attempt to Commit Taking the Identity of Another, a class 6 non-dangerous felony committed on October 30, 1999 and convicted on January 11, 2002 in Maricopa County Superior Court Cause No. CR2001-097576.

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The Defendant was represented by counsel.

IT IS ORDERED accepting the plea.

IT IS FURTHER ORDERED setting time for Sentencing on **July 16, 2014 at 9:00 a.m.** in this Division, to be heard in conjunction with Disposition Hearing in CR2000-095009 and CR2001-097576.

IT IS FURTHER ORDERED that the following will be deemed submitted at the time of sentencing: Motion To Dismiss Notice of Intent to Seek the Death Penalty, and the State agrees not to file Theft of Credit Card, Taking Identity of Another, Forgery or Fraudulent Schemes charges against the Defendant related to cards located in search warrant of this case, as reflected in the Plea Agreement.

IT IS FURTHER ORDERED the Adult Probation Department shall prepare a Presentence Report, and that Defendant shall report to the Adult Probation Department if not in custody.

IT IS FURTHER ORDERED vacating any pending dates.

IT IS FURTHER ORDERED pursuant to Rule 7.2 Defendant shall not be released on bail or own recognizance.

9:43 a.m. Matter concludes.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Order 2011-140 to determine their mandatory participation in eFiling through AZTurboCourt.